

Information Collection Request (ICR)
Ban of Certain Articles Known as Baby-Bouncers,
Walker-Jumpers, and Baby Walkers
16 CFR Section 1500.18(a)(6) and Section 1500.86(a)(4)
Supporting Statement

A. Justification

1. *Information to be collected and circumstances that make the collection of information necessary*

The Consumer Product Safety Commission's (CPSC) ban of certain baby-bouncers, walker-jumpers, and baby walkers was promulgated by the Food and Drug Administration (FDA) under provisions of the Federal Hazardous Substances Act (FHSA) as amended by the Child Protection and Toy Safety Act of 1969. The ban became effective on December 16, 1971. When CPSC was formed in May of 1973 the jurisdiction over the FHSA was transferred from the FDA to CPSC.

Baby-bouncers, walker-jumpers, and baby walkers are banned by 16 CFR Section 1500.18(a)(6) if they are designed in such a way that exposed parts present hazards of amputation, crushing, laceration, fracture, hematoma, bruise, or other injury to fingers, toes, or other parts of young children's bodies. A second regulation published at 16 CFR Section 1500.86(a)(4) sets forth the criteria for exemption of baby-bouncers, walker-jumpers, and baby walkers from the banning rule with a code mark that allows for future identification by the manufacturer of any given model. Additionally, the exemption regulation requires that records must be compiled and maintained for three years relating to sale, distribution, and inspection and testing of products subject to the banning rule. The exemption regulation requires labeling on these products and their packaging to state the name and address of the manufacturer or distributor and to identify the model of the product. Additionally, the exemption regulation requires that records must be compiled and maintained for three years relating to the sale, distribution, and inspection and testing of products subject to the banning rule.

2. *Use and sharing of collected information, and impact on privacy*

The records required by the regulations are to be made available to any designated CPSC officer who requests them for inspection and copying. These records would be used by CPSC to determine the identity and quantity of baby-bouncers, walker-jumpers, and baby walkers produced, the results of testing of these products, and to whom they were distributed.

In the event that a product subject to the regulations violates the banning rule and the hazard was severe enough to warrant recall, the required records

would be useful to both the manufacturer and CPSC. Records of testing might limit the products subject to recall by pinpointing specific models and/or production runs that are hazardous. Records of sales and distribution would enable the manufacturer to send notices of the recall to those customers who received the items being recalled.

The same distribution records would enable CPSC to conduct recall effectiveness checks of the manufacturer's customers to determine if they received notice of the recall and were carrying out their part of the recall.

Records kept for other purposes can fulfill the record-keeping requirement of this regulation. Most manufacturers and importers would keep records of sales and distribution for other purposes such as control of inventory and planning for future production. Records of testing may be kept for insurance and product liability purposes.

3. Use of information technology (IT) in information collection

The records required to be maintained by this standard may be in any appropriate form or format that clearly provides the required information. Where records are kept on computer disk or other retrievable media, the records shall be made available to the Commission on paper copies or via electronic mail in the same format as paper copies, upon request.

4. Efforts to identify duplication

The recordkeeping requirements of other agencies for these products were reviewed for potential duplication by CPSC and no duplication was identified.

5. Impact on small businesses

Not applicable.

6. Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently

Record keeping is mandatory. There would be no verification of record keeping requirements if the collection is not conducted or is conducted less than occasionally.

7. Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days

Not applicable.

8. Agency Federal Register Notice and related information

An FR notice was published April 16, 2009. No comments were received.

9. Decision to provide payment or gift

Not applicable.

10. Assurance of confidentiality

Required information that the manufacturer or importer claims to be confidential, is subject to 16 C.F.R. Part 1015, Subpart B, that ensures withholding from public disclosure information which concerns "trade secrets and commercial or financial information." Disclosure of trade secrets and certain other types of confidential information is also prohibited by 18 U.S.C.

11. Questions of a sensitive nature

The recordkeeping requirements of this regulation do not include questions of a sensitive nature.

12. Estimate of hour burden to respondents

The CPSC staff estimates that about 34 firms are subject to the testing and recordkeeping requirements of the regulations. Firms are expected to test on the average two new models per year per firm. The CPSC staff estimates further that the burden imposed by the regulations on each of these firms is approximately 1 hour per year on the recordkeeping requirements and 30 minutes or less per model on the label requirements. Thus, the annual burden imposed by the regulations on all manufacturers and importers is approximately 68 hours on recordkeeping (34 firms x 2 hours) and 34 hours on labeling (34 firms x 1 hour) for a total annual burden of 102 hours per year.

Based on an earlier interview with one manufacturer, it is believed that the record keeping requirements do not impose a significant burden on manufacturers and importers because the records are kept for other purposes, and testing is conducted for other reasons in addition to complying with the regulation. Since no changes have been made to the requirements since the interview took place, the same statements apply today. The statements of the manufacturer regarding an estimate of the burden imposed by the recordkeeping requirements are as follows:

The manufacturer could not supply any estimates of the time or the dollar cost of the recordkeeping or testing required by the regulation. He stated that records of sale and distribution were kept for other purposes in addition to fulfilling the requirements of the regulation. His firm tests all of

its varied line of products and keeps records of this testing whether or not the products are subject to mandatory requirements. This testing is part of a quality control system, which the firm believes is necessary to satisfy customers who expect good quality products, and to avoid product liability suits. He said the cost of testing of all product lines is considerable. However, the firm would test and keep records on baby-bouncers, walker-jumpers, and baby walkers even if there were no mandatory requirements for these products.

13. Estimate of total annual cost burden to respondents

The CPSC staff estimates that the hourly wage for the time required to perform the required testing is about \$54.88 (Bureau of Labor Statistics, September 2008, All workers, goods –producing industries, Management, professional, and related), and that the hourly wage for the time required to maintain the required records is about \$27.14 (Bureau of Labor Statistics, September 2008, All workers, goods-producing industries, Sales and office). Assuming that the majority of the two hours spent record-keeping are actually spent in product testing and that the label requirements can be performed by office staff, the annual total cost to the industry is approximately \$4,654.60.

14. Estimate of annualized costs to Federal government

During a typical year, the CPSC will expend approximately two days (16 hours) of professional staff time reviewing records required by the regulations for baby-bouncers, walker-jumpers, and baby walkers. The annual cost to the Federal government of the collection of information in these regulations is estimated to be \$1,277.51. This is based on an average wage rate of \$55.97 (the equivalent of a GS-14 Step 5 employee) with an additional 29.9 percent added for benefits (BLS, September 2008, percentage total benefits for all civilian management, professional, and related employees), or \$79.84 x 16 hours.

15. Program changes or adjustments

Based on past experience, CPSC staff have revised their estimate of the number of manufacturers from 28 firms to 34 and have included third party notification in our estimate of burden hours.

16. Plans for tabulation and publication

Not applicable.

17. Rationale for not displaying the expiration date for OMB approval

Not applicable.

18. *Exception to the certification statement*

Not applicable.

B. Collection of Information Employing Statistical Methods

Not applicable